

REMARKS

Claims 29, 30, 32-34, 36-38, and 40-46 are pending in the present application. The Examiner rejected all of the pending claims in a final Office Action dated August 9, 2001. Applicant hereby submits a request for continued examination under 37 CFR § 1.114 with this accompanying amendment.

With entry of this amendment, Applicant amends claims 29, 33, 37 and 41-46, cancels claims 30, 32, 34, 36, 38 and 40 and adds claims 47-53. Reexamination and reconsideration of the claims are respectfully requested.

The Examiner rejected claims 29, 33, 37 and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Moline et al. (U.S. Pat. No. 5,883,957) (hereinafter Moline) in view of Holmes (U.S. Pat. No. 5,999,969). The Examiner also rejected these claims as being unpatentable over Moline in view of Shiota (U.S. Pat. No. 5,430,243). Claims 30, 34 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moline in view of Shores (U.S. Pat. No. 5,194,996). The Examiner rejected claims 32, 36 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Moline in view of Iizuka et al. (U.S. Pat. No. 5,974,015).

As discussed in the previous amendment, the present invention is directed generally to buffering technologies for buffering data received over a communications network. As illustrated in Fig. 1, data (MIDI, sound and/or image data) from a concert hall 1 is transmitted by encoders 3, 5, 14 over a communications network and received by home computers 9.

The data reception process by the home computer 9 is illustrated in Fig. 7. In one embodiment, time data on the concert hall side is subtracted by a predetermined value. The resulting value is set as the time data for the user side (see step SB3). The home computer 9 thereafter starts counting up the user side time data. When the user side time data reaches the concert hall time data, processing by the home computer 9 begins. Thus, the predetermined value corresponds to a time during which the data received by the home computer 9 is buffered and delayed.

A particular feature of the present invention is that user side time is set by subtracting a predetermined time from the time on the concert hall side. Applicant has amended claim 29 to emphasize this feature. The communications data apparatus includes a receiver that receives data containing "first time information" and a setting device that sets "second time information" for the apparatus "by subtracting a predetermined value" from the first time information. A processor periodically "counts up said second time information and starts processing the data when said second time information reaches said first time information."

In contrast, Moline does not disclose setting the time of an apparatus by subtracting a predetermined value from the received time information. In Fig. 6, Moline discloses senders 621 sending MIDI track 607 over the Internet to receivers 619. The receiver 619 waits to begin playing track 607 until enough of track 607 has accumulated in receiver 619 (see col. 11, line 39 to col. 12, lines 4).

The delay period is implemented by first determining a server start time. This is the system time at which the receiver 619 creates the buffer in which stored track 805 is stored (see Fig. 8; col. 13, lines 3-19). The delay period is then added to the server start time to obtain a play start time for the receiver 619. The time stamp of each event is added to the server start time and subtracted from the play start time until the result is 0 or positive, which signals that enough track 805 has been stored.

Moline thus only discloses adding a predetermined delay period to suspend the starting time for processing by the receiver 619. There is no suggestion or disclosure that time of the receiver 619 is adjusted in any manner. Indeed, Moline fails to disclose any setting of the time of the receiver by subtracting a predetermined value from received time information.

The Examiner also cited Shiota and Holmes in rejecting claim 29 under § 103(a). Shiota is directed to a sound effect-creating device capable of automatically delaying a musical tone to impart a repeat effect. The delay is based on a delay time corresponding to the tempo (see Fig. 5; col. 8; lines 4-54). Nothing in Shiota discloses or suggests "a setting device that sets second

time information for the communications data processing apparatus by subtracting a predetermined value from said first time information” and processing data when the “second time information reaches the first time information.” It should also be noted that the motivation to combine Moline with Shioda is not apparent given that Moline is directed to communications over the Internet while Shioda is simply directed to a delay effect added to a musical tone.

With respect to the other cited reference Holmes, it is respectfully submitted that Holmes does not qualify as prior art under 35 U.S.C. § 102. Holmes was filed in the United States on March 26, 1997 and issued on December 7, 1999. The present application was filed in the United States on March 10, 1998. Given these dates, Holmes can only qualify as prior art under § 102(e).

Holmes, however, is precluded from qualifying as prior art under § 102(e), because the present application’s foreign priority date -- March 13, 1997 -- precedes the U.S. filing date of Holmes (March 26, 1997). MPEP § 2136.03(I). In any event, Holmes is directed to an interrupt handling system for message transfers in a network and does not disclose any of the recited features discussed above with respect to claim 29. Accordingly, claim 29 is patentable over Moline in view of either Shioda or Moline.

Claims 33 and 37 correspond to claim 29 and are directed to a method and a medium, respectively. For the reasons discussed above, claims 33 and 37 are also patentable over Moline in view of either Shioda or Holmes. Applicants newly added claims -- claims 47, 48 and 50-53 -- depend from claims 29, 33 and 37 and are likewise in condition for allowance.

Like claim 29, claim 41 of the present invention is also directed to a communications data processing apparatus. The apparatus receives first time information from an external device. The apparatus includes a judging device that judges whether the received data is specific data or not. If the judging device judges that the received data is specific data, a controlling device “rectifies said first time information by a predetermined value and sets the rectified first time information as second time information for the communications data processing apparatus”. If

the judging device judges that the received data is not specific data, the first time information is not set as the second time information.

The Examiner cited Moline, Shiota and Holmes in rejecting claim 41. As discussed above, Moline does not disclose or suggest adjusting the time of the receiver 619. In contrast, claim 41 recites that when the received data is specific data, the controlling data rectifies the first time information by a predetermined value and "sets the rectified first time information as second time information for the communications data apparatus." This feature is not disclosed in Moline and, as discussed above, is not disclosed by either Shiota or Holmes. Accordingly, claim 41 and its dependent claims 42-44 and 49 are patentable over Moline in view of either Shiota or Holmes.

Claims 45 and 46 correspond to claim 41 and are directed to a method and a medium, respectively. For the reasons discussed above, claims 45 and 46 are also patentable over Moline in view of either Shiota or Holmes.

In view of the foregoing, Applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the attorney of record.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20031.00. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

29. (Twice Amended) A communications data processing apparatus, comprising:
a receiver that receives [control] data [blocks, each block] containing first time
information [and chronological data which represents chronological order];
a setting device that sets second time information for the communications data processing
apparatus by subtracting a predetermined value from said first time information;
a memory that temporarily stores the [control] data [blocks] received by said receiver;
[a judging device that judges from the time information contained in the control data
block whether a predetermined time has passed;] and
a processor that periodically counts up said second time information and starts [reading]
processing the [control] data [block] temporarily stored in said memory [in accordance with said
chronological data in said control data block,] when said [judging device judges that the
predetermined time has passed] second time information reaches said first time information.

33. (Twice Amended) A communications data processing method performed by a
communications data processing apparatus, said method comprising the steps of:

- (a) receiving [control] data [blocks, each block] containing first time information [and chronological data which represents chronological order];
- (b) setting second time information for the communications data processing apparatus by subtracting a predetermined value from said first time information;
- (c) temporarily storing the [control] data [blocks] received by said receiving step;
- [(c) judging from the time information contained in the control data block whether a predetermined time has passed; and]
- (d) periodically counting up said second time information; and
- (e) starting [the reading of] to process the [control] data [block] temporarily stored in said storing step [in accordance with said chronological data in said control data block,] when said [judging step judges that the predetermined time has passed] second time information reaches said first time information.

37. (Twice Amended) A storage medium storing a program, which a computer executes to realize a communications data process for a communications data processing apparatus, comprising the instructions for:

- (a) receiving [control] data [blocks, each block] containing first time information [and chronological data which represents chronological order];
- (b) setting second time information for the communications data processing apparatus by subtracting a predetermined value from said first time information;
- (c) temporarily storing the control data blocks received by said receiving step;
- (c) judging from the time information contained in the control data block whether a predetermined time has passed, and]
- (d) periodically counting up said second time information; and
- (e) starting [the reading of] to process the [control] data [block] temporarily stored in said storing step [in accordance with said chronological data in said control data block,] when said [judging step judges that the predetermined time has passed] second time information reaches said first time information.

41. (Amended) A communications data processing apparatus, comprising:
a receiver that receives data containing first time information from an external device;
a judging device that judges whether said received data is specific data or not;
a controlling device that rectifies said first time information by a predetermined value and
sets the rectified first time information as second time information for the communications data
processing apparatus when said judging device judges said received data is specific data and
does not set the first time information as the second time information when said judging device
judges said received data is not specific data;

a memory that temporarily stores said received data;

[a setting device that rectifies said time information with a predetermined value and sets
the rectified time information as an initial value of timer time information for controlling
processing timing of said stored data;]

a processor that counts up the [timer] second time information periodically and processes
the stored data in accordance with said counted up [timer] second time information and the first
time information contained in the data to be processed[; and

a controller that judges whether or not said received data is specific data and controls the
setting device to set the timer time information when the received data is specific data and to not
set the timer time information when the received data is not specific data].

42. (Amended) A communications data processing apparatus according to claim
41, wherein said first time information contained in the data received from the external device is
absolute time added at the external device.

43. (Amended) A communications data processing apparatus according to claim 41, wherein said receiver further receives a value for rectifying the first time information from the external device, and

said [setting] controlling device rectifies said first time information with said received value.

44. (Amended) A communications data processing apparatus according to claim 41, further comprising a determiner that determines [a] the predetermined value for rectifying the first time information in accordance with capacity of said memory for storing the received data, and wherein the setting device rectifies said time information with said determined value.

45. (Amended) A communications data processing method performed by a
communications data processing apparatus, said method comprising the steps of:

- (a) receiving data containing first time information from an external device;
- (b) judging whether said received data is specific data or not;
- (c) rectifying said first time information by a predetermined value and setting the
rectified first time information as second time information for the communications data
processing apparatus when said judging step judges said received data is specific data and not
setting the first time information as the second time information when said judging step judges
said received data is not specific data;
- (d) temporarily storing said received data; and
- [(c) rectifying said time information with a predetermined value and setting the
rectified time information as an initial value of timer time information for controlling processing
timing of said stored data;
- (d)] (e) counting up the [timer] second time information periodically and processing the
stored data in accordance with said counted up [timer] second time information and the first time
information contained in the data to be processed[; and
- (e) judging whether or not said received data is specific data and controlling the
setting device to set the timer time information when the received data is specific data and to not
set the timer time information when the received data is not specific data].

46. (Amended) A storage medium storing a program, which a computer executes to realize a communications data process for a communications data processing apparatus, comprising the instructions for:

- (a) receiving data containing first time information from an external device;
- (b) judging whether said received data is specific data or not;
- (c) rectifying said first time information by a predetermined value and setting the rectified first time information as second time information for the communications data processing apparatus when said judging step judges said received data is specific data and not setting the first time information as the second time information when said judging step judges said received data is not specific data;
- (d) temporarily storing said received data; and
- [(c)] rectifying said time information with a predetermined value and setting the rectified time information as an initial value of timer time information for controlling processing timing of said stored data;
- [(d)] (e) counting up the [timer] second time information periodically and processing the stored data in accordance with said counted up [timer] second time information and the first time information contained in the data to be processed[; and
- (e) judging whether or not said received data is specific data and controlling the setting device to set the timer time information when the received data is specific data and to not set the timer time information when the received data is not specific data].